

**Christopher Canter**

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**From:** Stephen Murray [murrays@madisonriver.net]  
**Sent:** Wednesday, June 07, 2006 5:41 PM  
**To:** 'Michael Shuler'  
**Cc:** Mike Skrivan; David Rudd--GR; Fred Miri  
**Subject:** ICA Termination letter  
**Importance:** High  
**Attachments:** Bitwise Term-Ltr-10-25-05.doc

Mike, thanks for the call this afternoon. As requested I will report these allegations and we will investigate this complaints "Poste Haste" and respond back to you in a timely manner...

In addition, pursuant to our discussion about the current and replacement ICAs, please refer to the attached ICA Termination and invitation to negotiate a replacement agreement letter...

Please note that although I sent the termination letter in Nov, 2005, the actual ICA negotiation period did not commence until January 31 (the document actually went out on Jan 26), so by my calculations, Giving everyone the benefit of busy schedules, and using Feb. 1 as the "start date" we are at day 127 of the 135 day negotiating period.

It is our position that arbitration is not an issue as there are no known stalemate issues, and we have been very liberal and considerate in establishing the time-lines. At issue here is that there has been little opportunity to negotiate the new agreement, as you have not been available, missed several calls and rescheduled, etc. Therefore, at the conclusion of the 160<sup>th</sup> day (August 10<sup>th</sup>), your current ICA would become terminated.

As an alternative, I urge you or your counsel to send us a letter requesting a 30 day "extension" of the negotiating window, which essentially resets the negotiating "start date". I expect that this request will also include a specific schedule for us to complete negotiations (barring any stalemate items), as based on past experience, I want to avoid multiple extension letters. Upon receipt of the letter, we will review its contents and consider whether an extension is warranted.

Stephen V. Murray  
Director, Regulatory Affairs  
Madison River Communications, LLC  
103 So. 5th Street  
Mebane, NC 27302  
919-563-8109  
murrays@madisonriver.net

6/22/2007



**CERTIFIED MAIL**

BitWise Communications, Inc  
1301 W. Pioneer Parkway  
Peoria, IL 61615

Nov. 1, 2005

CC: The Helein Law Group, LLP  
8180 Greensboro Drive, Suite 700  
McLean, VA 22102

Dear Mr. Shuler:

On behalf of Gallatin River Communications and pursuant to Part A, Section 3, part 3.3 of the Interconnection Agreement, Gallatin hereby gives notice of termination of the Interconnection Agreement between Gallatin River Communications and Bitwise Communications, Inc. effective **May 30, 2006**;

*"Either party may terminate this Agreement effective at the end of the term" (term expired on December 31, 2000) "or any time thereafter by providing written notice of termination to the other party, such written notice to be provided at least 180 days in advance of the date of termination. In the event of such termination pursuant to this section 3.3 those service arrangements made available under this agreement and existing at the time of termination shall continue without interruption under either (a) a new agreement executed by the parties, or (b) standard interconnection terms and conditions contained in Gallatin's tariff or other substitute document that are approved and made generally effective by the Commission and FCC."*

Gallatin will soon be prepared to offer a replacement Interconnection Agreement to Bitwise, which will reflect the many events that have occurred since the Interconnection Agreement and associated attachments were executed between Gallatin River Communications L.L.C. (Gallatin) and BitWise Communications, Inc (BitWise) including a number of relevant Illinois Commerce Commission actions and the Federal Communication Commission's issuance of the "Triennial Review Order" (TRO) and "Triennial Review Remand Order" (TRRO).

Please provide written notice of the receipt of this Termination notice and contact me at your earliest convenience to begin negotiations for a replacement agreement. I look forward to negotiating with yourself or another representative of BitWise.

Sincerely,

Stephen V. Murray  
[murrays@madisonriver.net](mailto:murrays@madisonriver.net)  
919-563-8109  
Director, Regulatory Affairs  
Madison River Communications, L.L.C.

cc Fred Miri  
Mike Skrivan  
John Fordham  
David Rudd